

CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION



Sexual Abuse/Assault Prevention & Intervention

An overview for Offenders:
**Know your Rights and
Responsibilities**

—Revised May 2017—

SEXUAL ABUSE IS ILLEGAL

What is Sexual Abuse?

The Prison Rape Elimination policy for the CDCR is found in the Department Operations Manual, Section 54040.

Sexual Violence committed by offenders is broken into two categories and defined as follows:

Abusive Sexual Contact: Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Nonconsensual Sex Acts: Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

Staff Sexual Misconduct is strictly prohibited within CDCR. It is defined as any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the CDCR, which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and inmates/parolees; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual Misconduct includes, but is not limited to: 1) Influencing or offering to influence an inmate's/parolee's safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or 2) Threatening an inmate's/parolee's safety, custody, housing, privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior; or 3) Engaging in sexual act(s) or contact, as defined in CCR, Title 15, Section 3401.5(a)(3).

Sexual Harassment between offenders and by a staff member toward an offender is also prohibited.

Sexual harassment between offenders is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

Staff sexual harassment toward an offender by staff is defined as repeated verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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What happens to the employee if I agree to the sexual activity?

Although you may agree to the sexual activity, the CDCR specifically forbids sexual activity between offenders and employees, contractors, or volunteers. The CDCR will prosecute the employee regardless of your agreement. The law, Penal Code Section 289.6, will not allow the employee to use your consent as a defense to prosecution. **There is no exception to this law.**

Also, CDCR will not honor any promises made to you by that employee.

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What do I do if I am assaulted?

Immediately report the sexual assault to any employee. You will be referred for a medical examination, clinical assessment and treatment. You do not have to name the assailant in order to receive medical treatment. Individuals that sexually assault or abuse other offenders can only be disciplined and/or prosecuted if the sexual abuse is reported.

Do not shower, wash, drink, change clothes, or use the bathroom. Medical staff will examine you for injuries which may or may not be obvious to you. A medical professional may perform a pelvic and/or a rectal examination. They will also check you for sexually transmitted diseases and gather physical evidence of the assault.

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Do I have to consent to a medical exam?

Your consent is needed for a medical exam. If the sexual activity was recent, you will be asked to consent to a sexual assault exam. You have the right to refuse the examination. However, if you have been the victim of sexual abuse, it is critical to collect as much evidence as possible.

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Can I get medical care without giving evidence of sexual abuse?

It is very important that you understand that you can receive medical attention for any injuries, and for female offenders for pregnancy testing, without submitting to a sexual assault examination. The medical care is for the purposes of treating any injuries and keeping you healthy. Medical information gathered during treatment is confidential. You must sign a medical release for the medical information to be used as evidence of sexual abuse. You have the right to refuse to sign the medical release.

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Do I have to reveal the attacker?

No. However, you will be strongly encouraged to identify the assailant in order to protect yourself and others from future attacks. Individuals who sexually abuse or assault other offenders can only be disciplined and/or prosecuted if the assault is reported and the assailant is identified.

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How do I report sexual abuse?

Report the activity or solicitation to any staff member, including supervisors. All staff have been informed of their responsibility and obligation to report such activity. A staff member is any person who works for, or is contracted by, the CDCR. This includes the Warden, your doctor, or your clergy. It also includes any Ombudsman assigned to your institution. You may call the Sexual Misconduct Reporting Line collect from any offender telephone. The telephone numbers are listed on the back of this booklet. These telephone lines will be checked at least one each day (not including weekends).

You may call or send a letter to the CDCR-Office of Internal Affairs or to the Office of the Inspector General. The addresses are given on the back of this booklet. Letters to the OIG will be processed as legal mail and you can request to remain anonymous. Parolees can also report the sexual misconduct to their local city police or county sheriff.

Offenders may file an Inmate/Parolee appeal, CDCR Form 602 or a Ward Grievance, Form YA8.450 in the juvenile system. Appeals relating to the reporting of employee sexual misconduct will go directly to the Warden or Superintendent for immediate review and action.

Offenders may also share the information with a family member or friend. That person may report the information to any custody supervisor at the assigned institution or by sending a letter to the Warden.

Any indication or notification of sexual abuse will be completely and swiftly investigated.

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What will happen to me if I make an allegation knowing it to be false?

Following the investigation into the sexual abuse allegations, if it is determined that the allegations are false, the offender making the allegations may be subject to disciplinary action. A charge of "making a false report of a crime", is appropriate if evidence discovered during the investigation supports the charge.

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How can I avoid sexual abuse?

Everyone can take steps to reduce the possibility of sexual assault. Some of those steps are:

- Carry yourself in a confident manner. Do not permit your emotions (fear/anxiety) to be noticeable to others.
- Do not accept gifts or favors from others. Most gifts come with strings attached.
- Do not accept an offer from another offender to be your protector.

- Find an employee with whom you feel comfortable discussing your concerns about sexual abuse.
- Be Alert! Contraband substances such as drugs and alcohol will weaken your ability to stay alert and make good judgements.
- Be direct and firm if someone asks you to do something you don't want to do.
- Stay in well lit areas.
- Choose your associates wisely. Look for people involved in positive groups and activities.
- Trust your instincts. If you sense a situation is dangerous, it probably is.
- Request a bed move.

RECOVERING FROM SEXUAL ASSAULT

Any form of coerced or illegal sexual activity is degrading. Mental health employees within the institution are available to help offenders recover from the emotional impact of sexual assault.

In certain circumstances, you have the right to a support person and a victim's advocate. Ask the custody staff if your circumstances meet the criteria.

Parolees can seek help from local mental health agencies, Crisis Intervention Centers or they can contact the Parole Outpatient Clinic in their parole region.

If you would like to speak with someone about previous incidents of sexual violence, you may contact a mental health professional at this institution, you may write to a victim advocate at the local rape crisis center, or you may write to Just Detention International.

The address for the local rape crisis center is:

The address for Just Detention International is:

**3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010**

How can I get more information?

Inmates and Wards can direct any questions they may have to their Correctional Counselor or Group Counselor or institutional Ombudsman, if one is assigned. Parolees can request more information from their Parole Agent or from their county office of social services.

Remember:

Sexual misconduct is a serious crime. The CDCR will investigate all reports of sexual abuse. If you are the victim of sexual abuse, **Report it Immediately**.

Institutional Investigative Services Units and/or the Office of Internal Affairs will investigate allegation of sexual abuse. Perpetrators will be subject to a full range of criminal and administrative actions.

It is never appropriate for an employee to make sexual advances, comments, or engage in sexual contact with an offender. Even if the offender wants to be involved with the employee, the employee is not allowed to respond.

Finally, it is not appropriate for an offender to approach an employee for the purpose of sexual activity.

The CDCR will seek termination and criminal prosecution of state employees, contractors, or volunteers. Offenders who knowingly and intentionally file a false report will face legal action.

IMPORTANT ADDRESSES & TELEPHONE NUMBERS

Office of Internal Affairs – Northern Region
P. O. Box 3009
Sacramento, CA 95812
*(916) 464-3805

Office of Internal Affairs – Central Region
5016 California Avenue, Suite 210
Bakersfield, CA 93309
*(661) 335-7338

Office of Internal Affairs – Southern Region
9035 Haven Avenue, Suite 105
Rancho Cucamonga, CA 91730
*(909) 466-1052

OIG PREA Ombudsperson
Office of the Inspector General
10111 Old Placerville Road, Suite 110
Sacramento, CA 95827
(916) 555-0001

The OIG will keep your name anonymous upon request.

* indicates Sexual Misconduct Reporting Line. Call collect from any offender telephone. You will be required to leave a message. Messages are checked once each weekday and are not checked on weekends.